

Environmental Resources Management, inc.

855 Springdale Drive • Exton, Pennsylvania 19341 • (215) 524-3500 • Telex 4900009249

1 September 1988

Suzanne Billings
EPA Project Coordinator
USEPA Hazardous Waste Enforcement Branch
841 Chestnut Building
Philadelphia, PA 19107

Dear Suzanne:

I am enclosing copies of the access request letters required for conducting the Remedial Investigation at the Eastern Diversified Metals site in Hometown, Pa. These letters were sent on 27 July 1988 to the Pennsylvania Game Commission, the Carbon County Railroad Commission and to Mary Miller. To date we have entered into an agreement with the Game Commission (also enclosed; this is valid until 15 November 1988) and are in the process of completing an agreement with the Carbon County Railroad Commission. We have not heard from Mary Miller, who owns the property on which the access road to the Pinkey house runs. ERM will need to use this road to access the upgradient monitoring well cluster to the northeast of the pile.

At this point we feel satisfied with the preparations for the installation of monitoring wells and access to other sampling locations. We assume that we will be able to execute an agreement with the Carbon County Railroad Commission and will be able to extend the agreement with the Pennsylvania Game Commission into the spring of 1989. We are currently preparing a letter of agreement with the Pennsylvania Department of Environmental Resources (after receiving verbal assent) for the discharge of well development and purging water into the EDM treatment plant system. The one "loose end" is an access agreement with Mary Miller. In the past you have offered EPA's assistance in gaining access should we have difficulty. ERM would appreciate any assistance or guidance that EPA could provide in dealing with the Miller property, since we will need to traverse it within 30 days.

Best regards,



David P. Steele
Remedial Investigation Manager

Enclosures

cc: Greg Contaldo
Dianne Shawley, Esq.
Heather Winett, Esq.
Bruce H. Rapp

AR300907

Environmental Resources Management, Inc.

855 Springdale Drive • Exton, Pennsylvania 19341 • (215) 524-3500 • Telex 4900009243

27 July 1988

Mr. Bruce Conrad, Secretary
Carbon County Railroad Commission
P.O. Box 210, Courthouse Annex
Jim Thorpe, PA 18229-0210

Alfred P. Luedthe, President
Panther Valley Railroad
P.O. Box 125
Jim Thorpe, PA 18229-0125

ORIGINAL
(277)

Re: Eastern Diversified Metals Site; Access to Railroad Property

Gentlemen:

As Tom Bartman of Morgan, Lewis & Bockius discussed briefly with Bruce Conrad on behalf of the Railroad Commission and with Mike McLean of Panther Valley Railroad by telephone on 13 July 1988, the United States Environmental Protection Agency, with the concurrence of the Pennsylvania Department of Environmental Resources, has entered into an Administrative Order by Consent (Consent Order) with AT&T Nassau Metals Corp. and Theodore Sall, Inc. to perform a Remedial Investigation/Feasibility Study (RI/FS) of the Eastern Diversified Metals site (EDM site) near Hometown, Schuylkill County, Pennsylvania. Carbon County owns, and Panther Valley Railroad (Railroad) operates, a line and a currently inactive siding from the line adjacent to and north of the EDM site.

The work required for the remedial investigation by USEPA includes installation of three ground water monitoring wells on the County property. These would be installed inside of a "Y" formed by the junction of the active railroad line and the unused railroad siding leading to the Gordon Bernard Property east of the EDM site. (See attached copy of site topography map). The wells will consist of boreholes drilled to varying depths (approximately 75, 25 and 10 feet deep), each with a length of steel well casing cemented into the hole to a partial extent of its depth. The well casing would extend above the ground surface approximately three feet and have a locking cap.

Drilling and installation of the wells would require initial access over the rail line for motorized drilling equipment, and would take two to three days. ERM would reenter this location after installation three to four times for a few hours each time to begin monitoring. Thereafter, ERM would require access over the rail line annually or possibly quarterly, using a small truck to sample the wells.

ERM's staff geologist has informally discussed access to the location in question with Betsy Ahner of the Railroad and concluded

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that no element of the work plan, including installation of ^{ORIGINAL} three monitoring wells, initial short-term access to this location, and subsequent infrequent, short-term access for sampling, will in any way hinder the Railroad's operations on its active line or on the inactive siding. Further, ERM commits to minimize generation of noise and dust and to make best efforts to contain all waters and mud resulting from the installation and development of the three wells. Subsequent sampling would not disturb the wells or the surrounding property. The wells would be installed and maintained so as to be unobtrusive.


I have enclosed a proposed draft access agreement for your consideration (along with a copy of the Consent Decree mandating the RI/FS, and a map identifying the location of the well installation). I request approval of the Agreement by the County, as owner of the property in question. Either I or Tom Bartman will call Mr. Conrad next week to determine an opportune time to discuss the agreement and any questions either of you might have in connection with the remedial investigation.

Thank you for your attention.

Sincerely,



David P. Steele
Remedial Investigation Manager

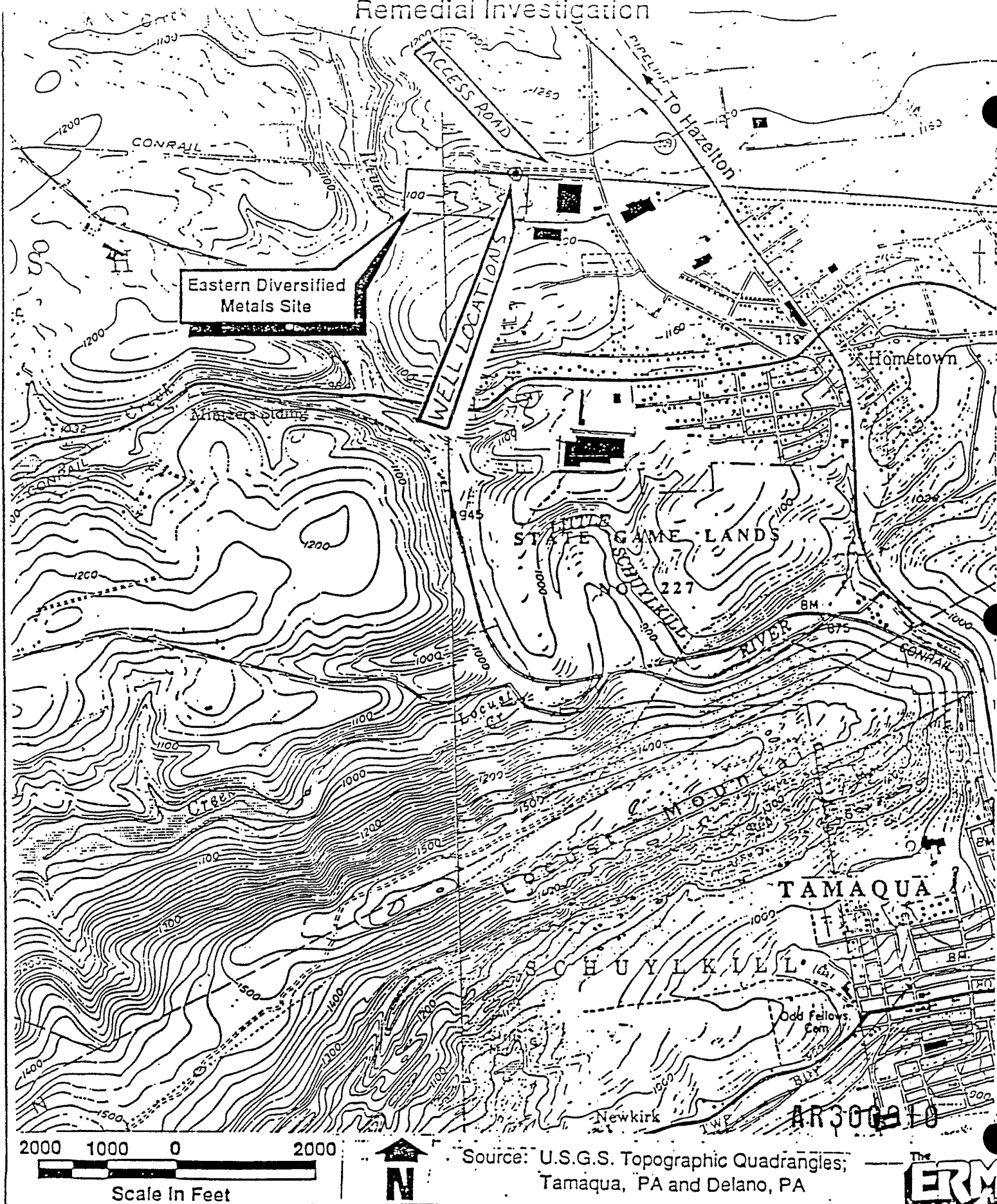


Joseph J. Hochreiter
Coordinating Project Manager

DPS/trb
Attachments
Enclosures
cc: M. Steinberg
H. Winnett
R. Beldner
W. Powers
B. Rapp

AR300909

Eastern Diversified Metals Remedial Investigation



AGREEMENT FOR ACCESS TO
RAILROAD RIGHT-OF-WAY, HOMETOWN, PA

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12-77

AGREEMENT, dated _____, 1988 by and between Environmental Resources Management, Incorporated (ERM) and the County of Carbon (County).

WHEREAS the County owns a right-of-way, including an active railroad line with connected inactive railroad siding, located near Hometown, Pennsylvania and generally described and located on the map annexed hereto as Attachment A (the "Right-Of-Way"); and

WHEREAS AT&T Nassau Metals Corporation and Theodore Sall Incorporated (collectively, the "Companies") have entered into an Administrative Order By Consent ("Consent Order") dated October 23, 1987 with the United States Environmental Protection Agency ("EPA") regarding the Eastern Diversified Metals Site ("EDM site") in Hometown, Pennsylvania (copy annexed hereto as Attachment B); and

WHEREAS by the Consent Order the Companies have agreed to conduct a Remedial Investigation/Feasibility Study ("RI/FS") at the EDM site which will include sampling and monitoring of ground water on the Right-of-Way adjacent to the EDM site; and the Companies have engaged ERM to conduct the RI/FS; and

WHEREAS the County desires to cooperate fully with the Companies, with ERM, and with the EPA and the Pennsylvania Department of Environmental Resources ("PA DER") regarding access to the Right-Of-Way and ground water sampling and monitoring activities.

NOW, THEREFORE, the parties hereto agree as follows:

1. That the County shall permit ERM, its employees, representatives, agents, contractors, and subcontractors; and

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those of the EPA and PA DER, without incurring any liability to the County and at no charge in connection with the performance of the Consent Order, freely to enter the Property at all times for activities consistent with the Consent Decree including, but not limited to, installing three ground water monitoring wells at the location shown in Attachment A, and crossing the rail line for installation of the aforementioned monitoring wells and for access to the wells for sampling.

2. ERM shall contact public utility companies to obtain necessary information and clearance regarding the location of public utilities. The Carbon County Railroad Commission understands that it shall be responsible for providing clearance at each proposed drilling or excavation site on their premises and specifically with respect to any privately owned underground utilities, improvements or structures. ERM shall take reasonable precautions to minimize damage to the site due to its operations and will restore the site to the conditions existing prior to ERM's operations. ERM shall not be liable for damage or injury from damage to subterranean structures (pipes, tanks, cables, or other utilities, etc.) which are not called to ERM's attention in writing and correctly shown on railroad furnished diagram(s).
3. That ERM will use its best efforts to see that any crossing of the rail line and well installation and sampling by its employees, representatives, agents, contractors, and subcontractors on the Right-Of-Way pursuant to the Consent Order and this Agreement are conducted in a reasonable and prudent manner consistent with the requirements of the Consent Order, and that generation of noise, dust, water, and mud, if any, is minimized.
4. This Agreement shall terminate upon termination by EPA of the Consent Order or upon mutual agreement of the parties. The

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termination date may be extended by mutual written agreement of the parties.

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5. This Agreement shall be binding upon, and insure to the benefit of, each party hereto and its respective heirs, successors, and assigns and may only be modified by written agreement.
6. This Agreement represents the entire understanding of the parties with respect to access at the site and supersedes any and all prior agreements and understandings regarding the subject matter hereof.
7. This Agreement may be excavated in multiple counterparts, each of which shall be deemed, but all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have signed and sealed this Agreement on the date and year first written above.

COUNTY OF CARBON, PENNSYLVANIA

BY: _____

ENVIRONMENTAL RESOURCES MANAGEMENT, INC.

BY: _____

AR300913

Environmental Resources Management, Inc.

855 Springdale Drive • Exton, Pennsylvania 19341 • (215) 524-3500 • Telex 4900009249

27 July 1988

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(500)

Ms. Mary Miller
RD 2
Tamaqua, Pennsylvania 18252

Dear Ms. Miller:

The United States Environmental Protection Agency, with the approval of the Pennsylvania Department of Environmental Resources, has entered into an agreement with two companies, AT&T Nassau Metals Corp., and Theodore Sall, Inc., to perform a Remedial Investigation and Feasibility Study ("RI/FS") at the Eastern Diversified Metals site near your property and Hometown, Pennsylvania. The Remedial Investigation will involve sampling of the air, soils, and ground water at the site to determine what, if any, remedial action is required in connection with materials deposited there.

One part of the work required by EPA will involve installation of three monitoring wells on property owned by Carbon County Railroad, between the active rail line and the inactive siding immediately adjacent to and leading into the EDM site. To perform this part of the RI/FS, which the Carbon County Railroad Commission is expected to approve, ERM needs to make limited use of the unpaved access road crossing your property from Lincoln Avenue and leading to the George Pinkey residence.

The well installation, scheduled for October of this year, would require ERM to bring mobile well-drilling equipment to the aforementioned location via your access road. The installation process would take two to three days. After the well installation is complete, the wells will be sampled periodically. Initial sampling of the wells, which would involve use of the access road by a small truck, would require one to two days and no more than a few hours at a time. After this initial period, sampling, again requiring access by a small truck, would occur only quarterly or annually.

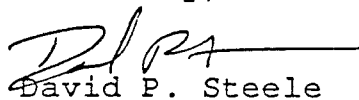
Use of the access road would be limited and unobtrusive. It will be necessary for ERM to widen access from the road to the rail line near the proposed well location to a limited extent by cutting, at a current opening, several small trees. ERM commits to minimize generation of any noise, dust, water, or mud in its well installation activities on the railroad property.

I hope to obtain your approval of this limited use of the access road on your property and would like to discuss by telephone, at your convenience, an agreement to permit ERM access AR 300944 installation location, as well as any questions you have about this project. I would also appreciate knowing whether you are aware of

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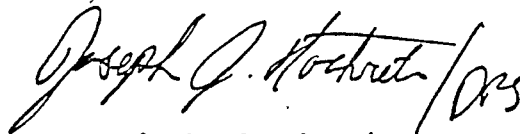
any formal easements that may have been granted for use of the unpaved access road that might be necessary. I would appreciate hearing from you in the coming week, but I, or possible Tom Bartman (of the law firm of Morgan, Lewis & Bockius) will call you if you prefer.

Sincerely,



David P. Steele

Remedial Investigation Manager



Joseph J. Hochreiter

Coordinating Project Manager

DPS/trb

cc: M. Steinberg
H. Winnett
R. Beldner
W. Powers
B. Rapp
M. Hewitt

AR300915

Environmental Resources Management, Inc.

855 Springdale Drive • Exton, Pennsylvania 19341 • (215) 524-3500 • Telex 4900009249

ORIGINAL
COPY

27 July 1988

Jacob I. Sitlinger, Director
Bureau of Land Management
Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, PA 17110-9797

Re: Letter of Authorization for Access to Game Land

Dear Mr. Sitlinger:

As Tom Bartman of Morgan, Lewis & Bockius discussed briefly with George Thomas of your office by telephone on 15 July 1988, the United States Environmental Protection Agency, with the concurrence of the Pennsylvania Department of Environmental Resources, has entered into an Administrative Order by Consent ("Consent Order") with AT&T Nassau Metals Corp. and Theodore Sall, Inc. to perform a Remedial Investigation/Feasibility Study ("RI/FS") of the Eastern Diversified Metals site ("EDM site") near Hometown, Schuylkill County, Pennsylvania. Pennsylvania Game Land #227 adjoins the eastern side of the EDM site.

One part of the work required by USEPA, includes monitoring of soil, water, and air adjacent to the site to establish a background standard for measurement of any contaminants at the site. The planned sampling would involve ERM's entry (on foot) onto the game land adjacent to the EDM site. ERM would take a four-inch diameter plug of soil (thereafter refilling the hole with soil), place a stake to mark the location of the sample, and later have a surveyor mark that location. (See attached topographical map for location of sampling and related activities.) ERM would also take a sample of ambient air and obtain a sample of stream bed sediment from the intermittent stream that crosses the game land from the EDM site, leading to the Little Schuylkill River.

In addition, ERM proposes to erect a small weir in the bed of the intermittent stream to measure the flow rate of the stream. The weir, for which ERM is seeking and expects to receive approval from the Pennsylvania Department Environmental Resources, would be about three feet high, constructed of plywood, sheet metal, or similar materials, and be supported by sandbags or rocks. (See schematic of weir construction, attached.) The sampling activities are anticipated to take place during the period from early August through the end of October, 1988, but would involve a total of only three or four days. The weir would be erected in August and would

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July 1989
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monitored through April, 1989. The weir would create at most a
all pool of water a foot or two in depth, and would be removed at
e completion of the study.

view of ERM's work schedule, which is mandated by the work plan
reed to by EPA, your early approval of this proposed activity
uld be much appreciated. Please do not hesitate to call me, or
n Bartman (202-467-7143) if you have any questions about this
posed activity.

ank you for your attention.

Sincerely,



David P. Steele
Remedial Investigation Manager



Joseph J. Hochreiter
Coordinating Project Manager

S/trb
George Thomas
ureau of Land Management
A. Steinberg
H. Winett
R. Beldner
W. Powers
B. Rapp

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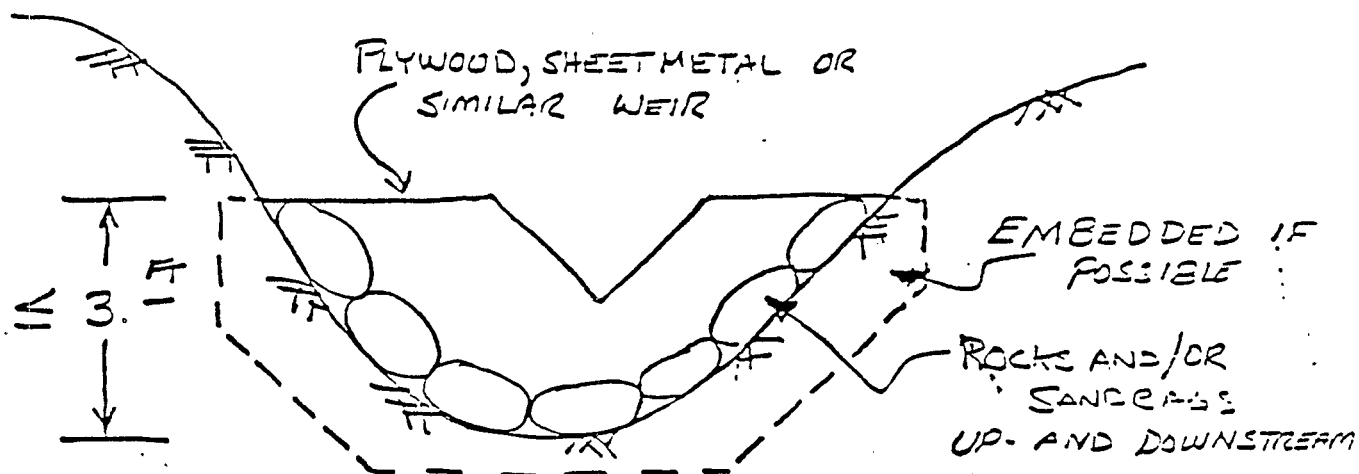
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COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Game Commission

2001 ELMERTON AVENUE
HARRISBURG, PA 17110-9787

August 5, 1988

ADMINISTRATIVE SERVICES	787-4076
LICENSE DIVISION	787-4076
PERSONNEL DIVISION	787-4076
WILDLIFE MANAGEMENT	787-4076
INFORMATION & EDUCATION	787-4076
LAW ENFORCEMENT	787-4076
LAND MANAGEMENT	787-4076
REAL ESTATE DIVISION	787-4076
MANAGEMENT INFORMATION SYSTEMS	787-4076

Mr. David P. Steele,
Remedial Investigation Manager, and
Mr. Joseph J. Hochreiter,
Coordinating Project Manager
Environmental Resources Management, Inc.
855 Springdale Drive
Exton, PA 19341

ORIGINAL
(filed)

In re: Letter of Authorization, State Game
Lands No. 227, Rush Township,
Schuylkill County, PA

Dear Messrs. Steele and Hochreiter:

You may consider this letter as official Game Commission authorization permitting Environmental Resources Management, Inc., hereinafter referred to as "Permittee", to perform a remedial investigation/feasibility study on Commonwealth property, specifically, a portion of State Game Lands No. 227 in Rush Township, Schuylkill County.

This authorization is granted without cost or license fee, subject to the following conditions:

1. Access is granted only for official purposes, as outlined in your communication dated July 27th, 1988.

2. "Permittee" shall coordinate this project with Land Management Officer Stephen Opet, R.D. #2, Box 519, Tamaqua, Pennsylvania 18252, telephone number 215/926-3136, who shall be contacted at least five working days prior to the beginning of activities.

3. "Permittee" shall be responsible for all damages done by its personnel to roads, bridges, property lines, power lines, telephone lines or power lines crossing the designated property areas, or adjacent thereto, or damage to any other improvements or structures thereon.

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August 5, 1988
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4. "Permittee" shall at all times hereafter indemnify and save harmless the Commonwealth from and against any and all detriment, damages, leases, claims, demands, suits, costs and expenses not herein provided for which the Commonwealth may suffer, sustain or be subjected to, directly or indirectly, by reason of this authorization.

5. "Permittee" shall furnish the Commission copies of all state and/or federal permits that may be required for this project.

6. "Permittee" shall, upon completion of the project or termination of operations, restore the sites to their original condition or better, as directed by the Land Management Officer.

7. This authorization will expire on November 15th, 1988.

Please sign both copies of this letter where indicated, retaining a copy for your files and returning the original to our Harrisburg office.

Very truly yours,



Peter S. Duncan
Executive Director

TO WHOM IT MAY CONCERN:

Environmental Resources Management, Inc. agrees to conduct their remedial investigation/feasibility study on State Game Lands No. 227 according to the conditions described herein.

ENVIRONMENTAL RESOURCES MANAGEMENT, INC.

David P. Steele,
Remedial Investigation Manager

AR300921

Joseph J. Hochreiter,
Coordinating Project Manager